

Department of Environmental Protection and Resource Management  
105 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 71066

Sammie Gerard  
Louise Gerard

1831 Walnut Avenue

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on January 6, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-310, 312, failure to remove accumulation of debris, materials, junk and trash, failure to store garbage in containers with tight fitting lids, failure to comply with correction notice; Baltimore County Zoning Regulations (BCZR) section 428, failure to remove all untagged/inoperative or damaged/disabled motor vehicles on residential property known as 1831 Walnut Avenue, 21222.

On December 7, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Ray Harmon issued a Code Enforcement citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$3,000.00 (three thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on November 13, 2009 for removal of untagged/inoperative vehicle, remove open dump, remove trash and debris, cut and remove tall grass and weeds. This Citation was issued on December 7, 2009.

B. Photographs in the file show a large sedan parked in the yard without valid license plates. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondents have exceeded this limitation. Review of the file shows that Respondents were cited for the same violation in 2008 and in 2007. Respondents must put valid tags on the vehicle and make it operable, or remove it from the property. If the violation is not corrected, the full civil penalty shall be imposed, Respondent will be subject to additional Citation, and the County will be authorized to remove the untagged vehicle, at Respondents' expense.

C. Photographs in the file show a large quantity of junk and debris in the yard and driveway, including an old tarp or collapsed swimming pool, lumber, an old refrigerator, boxes and bags of household items, old tires, and other junk and debris. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. If the violation is not corrected, and the property cleaned up, the full civil penalty shall be imposed, Respondent will be subject to additional Citation, and the County will be authorized to enter the property to remove all junk, trash and debris, at Respondents' expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violations are corrected by February 15, 2010.

IT IS FURTHER ORDERED that after February 15, 2010, the County may enter the property for the purpose of removing the untagged vehicle, at Respondent's expense.

IT IS FURTHER ORDERED that after February 15, 2010, the County may enter the property for the purpose of removing all junk, trash, and debris from the premises, at Respondent's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 14<sup>th</sup> day of January 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer